

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7068 – SB 7073

August 22, 2023

SUMMARY OF BILL: Creates a Class D felony offense for an adult criminal gang member who induces or coerces a minor to steal a firearm. Establishes the adult criminal gang member is criminally responsible for offenses the minor commits with the stolen firearm. Effective October 1, 2023.

FISCAL IMPACT:

Increase State Expenditures – \$1,610,300 Incarceration

Other Fiscal Impact – There will be additional increases in state expenditures related to an increase in admissions for adult criminal gang members who are criminally responsible for offenses minors commit with stolen firearms. The extent and timing of any such impacts cannot be reasonably determined.

Assumptions:

- According to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives National Firearms Commerce and Trafficking Assessment: *Crime Gun Intelligence and Analysis Volume Two, Part V*, between 2017 and 2021 an average of 8,143 firearms per year were stolen from private citizens in Tennessee.
- This analysis assumes 10 percent, or 814.3 (8,143 x 10.0%), of such firearms were stolen by minors and further assumes 10 percent, or 81.43 (814.3 x 10.0%), of those minors were induced or coerced into stealing a firearm by an adult criminal gang member.
- The average time served for a Class D felony offense is 1.04 years.
- This analysis assumes there will be 81.43 new Class D felony admissions annually serving 1.04 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 1.07 percent per year (from 2019 to 2022).
- The weighted average operational costs per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.
- The increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 1,515,400	FY24-25
\$ 1,593,300	FY25-26
\$ 1,610,300	FY26-27

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$1,610,300.
- Pursuant to Tenn. Code Ann. § 39-11-401, a person is criminally responsible as a party to an offense, if the offense is committed by the person's own conduct, by the conduct of another for which the person is criminally responsible, or by both. Each party to an offense may be charged with the commission of the offense.
- Pursuant to Tenn. Code Ann. § 39-11-402, a person is criminally responsible for an offense by the conduct of another, if:
 - acting with the culpability required for the offense, the person causes or aids an innocent or irresponsible person to engage in the offense;
 - acting with intent to promote or assist the commission of the offense, or to benefit in the proceeds or result of the offense, the person solicits, directs, aids, or attempts to aid another person to commit the offense; or
 - having a duty imposed by law or voluntarily undertaken to prevent commission of the offense and acting with intent to benefit in the proceeds or results of the offense, or to promote or assist its commission, the person fails to make a reasonable effort to prevent commission of the offense.
- There will be additional fiscal impacts to state and local government related to an increase in admissions for adult criminal gang members who are criminally responsible for offenses minors commit with the stolen firearm; however, the extent and timing of any such impacts is dependent upon the offense committed and cannot be reasonably determined.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal analysis are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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